REMARKS/ARGUMENTS

Claims 1-36 were originally presented.

Claims 14 and 16 are currently amended.

No claims are canceled by the current Response.

Claims 1-26 and 32-36 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by US Patent 6,012,088 to Li et al. (hereinafter, "Li").

Claims 27-31 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over US Patent 6,012,088 to Li in view of US Patent 6,212,585 to Chrabaszcz (hereinafter, "Chrabaszcz").

Claims 1-36 remain in this application.

Finality Not Proper

The Office has marked the Action as Final on the Office Action Summary. According to MPEP 706.07(a) a *second* action *on the merits* shall be final, "except where the examiner introduces a new ground of rejection not necessitated by amendment of the application by applicant, whether or not the prior art is already of record." Moreover MPEP 706.07 states:

> "[i]n making the final rejection, all outstanding grounds of rejection of record should be carefully reviewed, and any such grounds relied on in the final rejection should be reiterated. They must also be clearly developed to such an extent that applicant may readily judge the advisability of an appeal unless a single previous Office action contains a complete statement supporting the rejection".

During a May 5, 2005 interview with the Examiner, claims 13, 21 and 27 were discussed, including the elements of "automatically modify resources of the computing system based, at least in part, on an assessment of the computing system resources" (as found in claims 13 and 21) as well as "make an assessment of current hardware and/or software resources of the computing system" (found in claim 27). Examiner contended during the interview that while these elements are not explicitly disclosed in *Li et al.* they are implicit in the functioning of many computers. Applicant respectfully disagrees.

No valid prior art reference has been introduced by the Office in any of its Office Actions disclosing the elements of "automatically modify resources of the computing system based, at least in part, on an assessment of the computing system resources" or "make an assessment of current hardware and/or software resources of the computing system". Thus, under MPEP 706.07 finality is

improper since (1) a new ground of rejection not necessitated by amendment of the application by applicant has been introduced (albeit via telephonic interview), and (2) the grounds of rejection have not been clearly developed to such an extent that Applicant may readily judge the advisability of an appeal.

Applicant respectfully requests that the finality be withdrawn.

35 U.S.C. §102(e)

Claims 1-26 and 32-36

Claims 1-26 and 32-36 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Li. Applicant respectfully traverses the rejection.

Independent claim 1 recites:

> A method comprising:
> receiving an identifier associated with a computing system and/or computing system user; and
> automatically modifying computing system resources based, at least in part, on an assessment of the computing system resources.

Li fails to disclose or show the method of claim 1.

Claim 1, includes "automatically modifying computing system resources based, at least in part, on an assessment of the computing system resources".

In rejecting claim 1, the Office relies on Li at col. 9, line 25 through col. 10, line 5; col. 10, line 66 through col. 11, line 16; col. 12, lines 1-26; and col. 14, lines 50-65. However, the elements of claim 1 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses "[o]nce the customer has specified his needs, the ISP assembles all of this customer information and inputs it into an ISP database.

Some of this customer information comes from the customer itself (e.g. a desired domain name), while some information is generated by the ISP itself (e.g. the IP address block)." (Li, Col. 9, lines 50-55). This information can then be used "to generate a configuration file for future use by the customer." (Li, Col. 9, lines 55-57).

The Internet access device disclosed in Li can then use this configuration record:

> "to automatically configure itself for communication with the Internet using information contained in the configuration record. The configuration record contains information such as the customer domain name, the customer LAN network IP address, the Internet access device IP address, the DHCP range, time zone and NTP servers for time configuration, IP addresses for forwarding name servers, PPP account log in and password information, web mirroring configuration information, and mail configuration information." (Li, Col. 14, lines 54-62).

In addition, "[o]ther information may be added to the configuration record such as IP multicast router information, secondary DNS server information, etc." (Li, Col. 14, lines 62-65). This information may include "any other information needed by the Internet access device to automatically configure itself for communication with a wide variety of communication lines in order to connect to the Internet." (Li, Col. 14, line 66-Col. 15, line 3).

In general, the configuration record is accessed by an Internet access device once a customer enters "the encrypted registration ID supplied by the ISP onto the Internet access device" and "the local telephone number of a network access server located on the ISP's network". (Li, Col. 11, lines 54-58). Once this is completed, and the registration ID is accepted, "the Internet access device begins

execution of an automatic configuration process which will configure the Internet access device for communication with the Internet at a customer desired level of service". (Li, Col. 12, lines 8-17).

Nowhere does Li disclose or show "automatically modifying computing system resources based, at least in part, on an assessment of the computing system resources" as recited in claim 1. Li neither discloses making an assessment of computing system resources, nor does Li disclose modifying computing system resources based on such an assessment.

In Li, the configuration of the Internet access device does not depend upon an assessment of computing system resources of the Internet access device, and there exists no assessment of computing system resources used as a basis for modifying the computer system resources. Rather, the Internet access device in Li is configured solely using information input to a configuration record by the customer and/or the ISP. The actions needed to precipitate configuration are (1) the entering of the information by the customer and the ISP (to create the configuration record), and (2) the entering to the Internet access device of the registration ID and the local telephone number of a network access server located on the ISP's network (to enable the Internet access device to be placed in communication with the configuration record).

Accordingly, it is clear that Li does not teach all the elements of claim 1. A §102 anticipation rejection requires that a cited reference teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found". Anticipation requires that "The identical invention must be shown in as complete detail as is contained in the . . . claim". (MPEP 2131).

Because Li does not teach all the elements of claim 1, the §102 anticipation rejection of claim 1 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 1 be removed.

Claims 2-12 depend from claim 1, and thereby incorporate each of the elements of claim 1. Accordingly, claims 2-12 are allowable at least on the basis of this dependency, in addition to the further elements recited therein which are neither shown nor disclosed by the cited reference.

For example, **amended claim 2** recites:

> A method according to claim 1, wherein the computing system is a communications device.

In rejecting claim 2, the Office relies on Li, col. 12, lines 1-26 as well as Li col. 10, lines 66 through col. 11, line 16 as disclosing the limitation of wherein the computing system is a communications device. However, the elements of claim 2 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses a 32 bit account ID that uniquely identifies the Internet access device for a particular customer. (Li, Col. 10, lines 33-35). The customer enters this ID along with a telephone number of a network access server onto the Internet access device which is connected to the customer's computer system or LAN. (Li, Col. 11, lines 10-13). The Internet access device communicates with the network access server which validates the ID and begins the automatic execution of a configuration process of the of the Internet device, allowing it to communicate with the Internet. (Li, Col. 11, line 60 – Col. 12, line 18). Accordingly, under Li, the computing system and the Internet access devices are separate entities, and the ID is communicated by the Internet access device.

Thus, in addition to Li's failings discussed above with reference to claim 1, Li also fails to disclose "wherein the computing system is a communications device" as recited in claim 2. Because Li does not teach all the elements of claim 2, the §102 anticipation rejection of claim 2 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 2 be removed.

In another example, **amended claim 3** recites:

> A method according to claim 1, wherein the identifier associated with the computing system and/or computing system user is received from the computing system.

In rejecting claim 3, the Office relies on Li, col. 12, lines 1-26 as well as Li col. 10, lines 66 through col. 11, line 16 as disclosing the limitation of wherein the identifier associated with a computing system and/or computing system user is received from the computing system. However, the elements of claim 3 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses a 32 bit account ID that uniquely identifies the Internet access device for a particular customer. (Li, Col. 10, lines 33-35). The customer enters this ID along with a telephone number of a network access server onto the Internet access device which is connected to the customer's computer system or LAN. (Li, Col. 11, lines 10-13). The Internet access device communicates with the network access server which validates the ID and begins the automatic execution of a configuration process of the of the Internet device, allowing it to communicate with the Internet. (Li, Col. 11, line 60 – Col. 12, line 18). Accordingly, under Li, nothing is received from the computer system. Instead, the ID is communicated by the Internet access device.

Thus, in addition to Li's failings discussed above with reference to claim 1, Li also fails to disclose "wherein the identifier associated with the computing system and/or computing system user is received from the computing system" as recited in claim 3. Because Li does not teach all the elements of claim 3, the §102 anticipation rejection of claim 3 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 3 be removed.

Another exemplary claim, **claim 5,** recites:

> A method according to claim 4, further comprising:
> automatically modifying system resources of the communications device and the computing system resources based, at least in part, on an assessment of the computing system resources.

In rejecting claim 5, the Office relies on Li, col. 9, line 25 through column 10, line 5, as well as Li col. 14, lines 50-65 as disclosing the limitation of automatically modifying system resources of the communications device and the computing system resources based, at least in part, on an assessment of the computing system resources. However, the elements of claim 5 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses a customer specifying a desired level of service, such as if the customer wishes to connect a LAN to the ISP, or if the customer wishes to connect to the ISP over dial up, an ISDN line, or a T-1 or T-3 line. (Li, Col. 9, lines 25-37). In addition to this customer- entered information, the ISP may also automatically collect service information such as the IP address block. (Li, Col. 9, lines 52-55). A 32 bit account ID that uniquely identifies the Internet access device for a particular customer is then issued to the customer. (Li, Col. 10, lines 33-35). The customer enters this ID along with a telephone number of a network

access server onto the Internet access device which is connected to the customer's computer system or LAN. (Li, Col. 11, lines 10-13). The Internet access device then communicates with the network access server using this telephone number, and the network access server validates the ID and begins the automatic execution of a configuration process of the of the Internet device, allowing it to communicate with the Internet at a customer desired level of service. (Li, Col. 11, line 60 – Col. 12, line 18). Accordingly, under Li, no information regarding the resources of the computer system is communicated, nor is any assessment of the computer system conducted. Rather all information that is communicated concerns the Internet access device or the desired level of service of a customer. Moreover, once the Internet access device contacts the network access server and the ID is verified, the Internet access device is reconfigured and not the computer system.

Thus, in addition to Li's failings discussed above with reference to claim 1, Li also fails to disclose "automatically modifying system resources of the communications device and the computing system resources based, at least in part, on an assessment of the computing system resources" as recited in claim 5. Because Li does not teach all the elements of claim 5, the §102 anticipation rejection of claim 5 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 5 be removed.

Applicant therefore respectfully requests that the §102(e) rejection of claims 2-12 be removed.

Independent claim 13 recites:

A server comprising:

a storage device to maintain a profile of resources available to authorized users; and

a configuration agent, coupled to the storage device, to receive an identifier associated with a computing system and/or computing system user and automatically modify resources of the computing system based, at least in part, on an assessment of the computing system resources.

Li fails to disclose or show "a configuration agent, coupled to the storage device, to receive an identifier associated with a computing system and/or computing system user and automatically modify resources of the computing system based, at least in part, on an assessment of the computing system resources" as recited in claim 13. As noted above, nowhere does Li disclose or show either making an assessment of computing system resources, or modifying computing system resources based on such an assessment.

In Li, the configuration of the Internet access device does not depend upon an assessment of computing system resources of the Internet access device, and there exists no assessment of computing system resources that is used as a basis for modifying the computer system resources. Rather, the Internet access device in Li is configured solely using information input to a configuration record by the customer and/or the ISP. The actions needed to precipitate configuration are (1) the entering of the information by the customer and the ISP (to create the configuration record), and (2) the entering to the Internet access device of the registration ID and the local telephone number of a network access server located on the ISP's network (to enable the Internet access device to be placed in communication with the configuration record).

Accordingly, it is clear that Li does not teach all the elements of claim 13. A §102 anticipation rejection requires that a cited reference teach every element of the claim. "A claim is anticipated only if each and every element as set forth in

the claim is found". Anticipation requires that "The identical invention must be shown in as complete detail as is contained in the . . . claim". (MPEP 2131).

Because Li does not teach all the elements of claim 13, the §102 anticipation rejection of claim 13 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 13 be removed.

Accordingly, for at least the same reasons indicated above regarding claim 1, the rejection of claim 13 is also not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 13 be removed.

Claims 14-20 depend from claim 13, and thereby incorporate each of the elements of claim 13. Accordingly, claims 14-20 are allowable at least on the basis of this dependency, in addition to the further elements recited therein which are neither shown nor suggested by the cited reference.

For example, **amended claim 14** recites:

> A server according to claim 13, wherein an assessment of the computing system resources comprises an assessment of at least one of an operating system, configuration settings, personalization settings, Internet settings or application settings on the computing system.

In rejecting claim 14, the Office relies on Li, col. 9, line 25 through col.10, line 5 as well as Li col. 14, lines 50-65 as disclosing a server comprising a storage device to maintain a profile of resources available to authorized users and a process that meets the recitation of a configuration agent, coupled to the storage device, to receive an identifier associated with a computing system and/or computing system user and automatically modify resources of the computing system based, at least in part, on an assessment of the computing system resources.

However, the elements of claim 14 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses a customer specifying a desired level of service, such as if the customer wishes to connect a LAN to the ISP, or if the customer wishes to connect to the ISP over dial up, an ISDN line, or a T-1 or T-3 line. (Li, Col. 9, lines 25-37). In addition to this customer- entered information, the ISP may also automatically collect service information such as the IP address block. (Li, Col. 9, lines 52-55). A 32 bit account ID that uniquely identifies the Internet access device for a particular customer is then issued to the customer. (Li, Col. 10, lines 33-35). The customer enters this ID along with a telephone number of a network access server onto the Internet access device which is connected to the customer's computer system or LAN. (Li, Col. 11, lines 10-13). The Internet access device then communicates with the network access server using this telephone number, and the network access server validates the ID and begins the automatic execution of a configuration process of the of the Internet device, allowing it to communicate with the Internet at a customer desired level of service. (Li, Col. 11, line 60 – Col. 12, line 18). Accordingly, under Li, no information regarding the resources of the computer system is communicated, nor is any assessment of the computer system conducted. Rather all information that is communicated concerns the Internet access device or the desired level of service of a customer. Moreover, once the Internet access device contacts the network access server and the ID is verified, the Internet access device is reconfigured and not the computer system.

Thus, in addition to Li's failings discussed above with reference to claim 13, Li also fails to disclose "wherein an assessment of the computing system resources comprises an assessment of at least one of an operating system,

configuration settings, personalization settings, Internet settings or application settings on the computing system" as recited in claim 14. Because Li does not teach all the elements of claim 14, the §102 anticipation rejection of claim 14 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 14 be removed.

In another example, **amended claim 16** recites:

> A server according to claim 13, wherein the configuration agent receives the identifier from the computing system and/or a communications device remote from the computing system associated with the computing system user.

In rejecting claim 16, the Office relies on Li, col. 9, line 25 through col.10, line 5 as well as Li col. 14, lines 50-65 as disclosing a server comprising a storage device to maintain a profile of resources available to authorized users and a process that meets the recitation of a configuration agent, coupled to the storage device, to receive an identifier associated with a computing system and/or computing system user and automatically modify resources of the computing system based, at least in part, on an assessment of the computing system resources. However, the elements of claim 16 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses a 32 bit account ID that uniquely identifies the Internet access device for a particular customer. (Li, Col. 10, lines 33-35). The customer enters this ID along with a telephone number of a network access server onto the Internet access device which is connected to the customer's computer system or LAN. (Li, Col. 11, lines 10-13). The Internet access device communicates with the network access server which validates the ID and begins the automatic

execution of a configuration process of the of the Internet device, allowing it to communicate with the Internet. (Li, Col. 11, line 60 – Col. 12, line 18). Accordingly, under Li, nothing is received from the computer system. Instead, the ID is communicated by the Internet access device. Moreover, Li discloses that the user's computer system is connected to the Internet access device

Thus, in addition to Li's failings discussed above with reference to claim 13, Li also fails to disclose "wherein the configuration agent receives the identifier from the computing system and/or a communications device remote from the computing system associated with the computing system user" as recited in claim 16. Because Li does not teach all the elements of claim 16, the §102 anticipation rejection of claim 16 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 16 be removed.

In yet another example, **amended claim 18** recites:

> A server according to claim 13, wherein the computing system is a communications device.

In rejecting claim 18, the Office relies on Li, col. 12, lines 1-26 as well as Li col. 10, lines 66 through col. 11, line 16 as disclosing the limitation of wherein the computing system is a communications device. However, the elements of claim 18 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses a 32 bit account ID that uniquely identifies the Internet access device for a particular customer. (Li, Col. 10, lines 33-35). The customer enters this ID along with a telephone number of a network access server onto the Internet access device which is connected to the customer's computer system or LAN. (Li, Col. 11, lines 10-13). The Internet access device communicates with

the network access server which validates the ID and begins the automatic execution of a configuration process of the of the Internet device, allowing it to communicate with the Internet. (Li, Col. 11, line 60 – Col. 12, line 18). Accordingly, under Li, the computing system and the Internet access devices are separate entities, and the ID is communicated by the Internet access device.

Thus, in addition to Li's failings discussed above with reference to claim 13, Li also fails to disclose "wherein the computing system is a communications device" as recited in claim 18. Because Li does not teach all the elements of claim 18, the §102 anticipation rejection of claim 18 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 18 be removed.

Applicant therefore respectfully requests that the §102(e) rejection of claims 14-20 be removed.

Independent claim 21 recites:

> A storage medium comprising a plurality of executable instructions including at least a subset of which that, when executed, implement a configuration agent,
>
> to assess system resources of a computing system upon receipt of an identifier associated with the computing system and/or computing system user,
>
> and to automatically modify resources of the computing system based, at least in part, on an assessment of computing system resources.

As noted above, Li does not teach "a configuration agent, to assess system resources of a computing system upon receipt of an identifier associated with the computing system and/or computing system user, and to automatically modify resources of the computing system based, at least in part, on an assessment of

computing system resources" as recited in claim 21. Nowhere does Li disclose or show either "to assess system resources of a computing system upon receipt of an identifier associated with the computing system" or "to automatically modify resources of the computing system based, at least in part, on an assessment of computing system resources".

Rather, in Li, an Internet access device is configured solely on the basis of a registration ID that the Internet access device provides to a configuration server, and not on the basis of an assessment of its computing system resources.

Accordingly, for at least the same reasons indicated above regarding claims 1 and 13, the rejection of claim 21 is also not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 21 be removed.

Claims 22-26 depend from claim 21, and thereby incorporate each of the elements of claim 21. Accordingly, claims 22-26 are allowable at least on the basis of this dependency, in addition to the further elements recited therein which are neither shown nor suggested by the cited reference.

For example, **claim 23** recites:

> A storage medium according to claim 21, wherein the configuration agent interrogates the computing system upon receipt of the identifier to assess computing system resources

In rejecting claim 23, the Office relies on Li, col. 11, line 54 through col.12, line 26 as disclosing the limitation of wherein the configuration agent interrogates the computing system upon receipt of the identifier to assess computing system resources. However, the elements of claim 23 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses a 32 bit account ID that uniquely identifies the Internet access device for a particular customer. (Li, Col. 10, lines 33-35). The customer enters this ID along with a telephone number of a network access server onto the Internet access device which is connected to the customer's computer system or LAN. (Li, Col. 11, lines 10-13). The Internet access device communicates with the network access server which validates the ID and begins the automatic execution of a configuration process of the of the Internet device, allowing it to communicate with the Internet. (Li, Col. 11, line 60 – Col. 12, line 18). This configuration process is accomplished by placing the Internet access device in contact with a unique configuration record which is downloaded from a configuration server. (Li, Col 12, lines 43-48). Accordingly, under Li, nothing is received from the computer system. Instead, the ID is communicated by the Internet access device. Moreover, Li discloses that the Internet access device is configured and not the computer system. In addition, Li does not disclose an assessment of the customer's computer system. Rather, configuration of the Internet access device is accomplished by accessing a unique configuration record from a configuration server.

Thus, in addition to Li's failings discussed above with reference to claim 21, Li also fails to disclose "wherein the configuration agent interrogates the computing system upon receipt of the identifier to assess computing system resources" as recited in claim 23. Because Li does not teach all the elements of claim 23, the §102 anticipation rejection of claim 23 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 23 be removed.

In another example, **claim 24** recites:

A storage medium according to claim 23, wherein the configuration agent downloads and automatically installs system resources on the computing system based, at least in part, on the assessed computing system resources.

In rejecting claim 24, the Office relies on Li, col. 16 as disclosing the limitation of wherein the configuration agent downloads and automatically installs system resources on the computing system based, at least in part, on the assessed computing system resources. However, the elements of claim 24 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses a 32 bit account ID that uniquely identifies the Internet access device for a particular customer. (Li, Col. 10, lines 33-35). The customer enters this ID along with a telephone number of a network access server onto the Internet access device which is connected to the customer's computer system or LAN. (Li, Col. 11, lines 10-13). The Internet access device communicates with the network access server which validates the ID and begins the automatic execution of a configuration process of the of the Internet device, allowing it to communicate with the Internet. (Li, Col. 11, line 60 – Col. 12, line 18). This configuration process is accomplished by placing the Internet access device in contact with a unique configuration record which is downloaded from a configuration server. (Li, Col 12, lines 43-48). Accordingly, under Li, nothing is received from the computer system. Instead, the ID is communicated by the Internet access device. Moreover, Li discloses that the Internet access device is configured and not the computer system. In addition, Li does not disclose an assessment of the customer's computer system. Rather, configuration of the

Internet access device is accomplished by accessing a unique configuration record from a configuration server.

Thus, in addition to Li's failings discussed above with reference to claim 21, Li also fails to disclose "wherein the configuration agent downloads and automatically installs system resources on the computing system based, at least in part, on the assessed computing system resources" as recited in claim 24. Because Li does not teach all the elements of claim 24, the §102 anticipation rejection of claim 24 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 24 be removed.

In yet another example, **amended claim 25** recites:

> A storage medium according to claim 21, wherein the computing system is a communications device.

In rejecting claim 25, the Office relies on Li, col. 12, lines 1-26 as well as Li col. 10, lines 66 through col. 11, line 16 as disclosing the limitation of wherein the computing system is a communications device. However, the elements of claim 25 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses a 32 bit account ID that uniquely identifies the Internet access device for a particular customer. (Li, Col. 10, lines 33-35). The customer enters this ID along with a telephone number of a network access server onto the Internet access device which is connected to the customer's computer system or LAN. (Li, Col. 11, lines 10-13). The Internet access device communicates with the network access server which validates the ID and begins the automatic execution of a configuration process of the of the Internet device, allowing it to communicate with the Internet. (Li, Col. 11, line 60 – Col. 12, line 18).

Accordingly, under Li, the computing system and the Internet access device are separate entities, and the ID is communicated by the Internet access device.

Thus, in addition to Li's failings discussed above with reference to claim 21, Li also fails to disclose "wherein the computing system is a communications device" as recited in claim 25. Because Li does not teach all the elements of claim 25, the §102 anticipation rejection of claim 25 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 25 be removed.

In another example, **claim 26** recites:

> A storage medium according to claim 21, wherein the identifier is received from a communications device, and wherein the configuration agent automatically modifies system resources of the computing system and the communications device based, at least in part, on assessment of system resources of the computing system and communications device.

In rejecting claim 26, the Office relies on Li, col. 9, line 25 through col.10, line 5 as well as Li col. 14, lines 50-65 as disclosing a server comprising a storage device to maintain a profile of resources available to authorized users and a process that meets the recitation of a configuration agent, coupled to the storage device, to receive an identifier associated with a computing system and/or computing system user and automatically modify resources of the computing system based, at least in part, on an assessment of the computing system resources. However, the elements of claim 26 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses a 32 bit account ID that uniquely identifies the Internet access device for a particular customer. (Li, Col. 10, lines 33-35). The customer enters this ID along with a telephone number of a network access server onto the

Internet access device which is connected to the customer's computer system or LAN. (Li, Col. 11, lines 10-13). The Internet access device communicates with the network access server which validates the ID and begins the automatic execution of a configuration process of the of the Internet device, allowing it to communicate with the Internet. (Li, Col. 11, line 60 – Col. 12, line 18). Accordingly, under Li, nothing is received from the computer system. Instead, the ID is communicated by the Internet access device. Moreover, Li discloses that the Internet access device is configured and not the computer system. In addition, Li does not disclose an assessment of the customer's computer system.

Thus, in addition to Li's failings discussed above with reference to claim 21, Li also fails to disclose "wherein the identifier is received from a communications device, and wherein the configuration agent automatically modifies system resources of the computing system and the communications device based, at least in part, on assessment of system resources of the computing system and communications device" as recited in claim 26. Because Li does not teach all the elements of claim 26, the §102 anticipation rejection of claim 26 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 26 be removed.

Applicant therefore respectfully requests that the §102(e) rejection of claims 22-26 be removed.

Independent **claim 32** recites:

> A method comprising:
>
> issuing a configuration request from a computing system, wherein the configuration request includes an identifier associated with the computing system and/or computing system user; and

receiving a response to the configuration request at the computing system, the response including one or more computing system resources, wherein the one or more computing system resources are automatically installed and configured on the computing system based, at least in part, on an assessment of current computing system resources of the computing system.

As noted above, Li discloses neither "receiving a response to the configuration request at the computing system, the response including one or more computing system resources", nor does Li disclose "wherein the one or more computing system resources are automatically installed and configured on the computing system based, at least in part, on an assessment of current computing system resources of the computing system" as recited in claim 32. Nowhere does Li disclose or show either "an assessment of current computing system resources of the computing system" or "or more computing system resources are automatically installed and configured on the computing system based, at least in part, on an assessment of current computing system resources of the computing system".

Rather, in Li, an Internet access device is configured solely on the basis of a registration ID that the Internet access device provides to a configuration server, and not on the basis of an assessment of its computing system resources.

Accordingly, for at least the same reasons indicated above regarding claims 1, 13, and 21, the rejection of claim 32 is also not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 32 be removed.

Claims 33-36 depend from claim 32, and thereby incorporate each of the elements of claim 32. Accordingly, claims 33-36 are allowable at least on the basis of this dependency, in addition to the further elements recited therein which are neither shown nor suggested by the cited reference.

For example, **claim 36** recites:

> A method according to claim 32, wherein the configuration request is issued from a communications device associated with the computing system user, the method further comprising:
>
> receiving a response to the configuration request at the communications device including one or more computing system resources, wherein the one or more computing system resources are automatically installed and configured on the computing system.

In rejecting claim 36, the Office relies on Li, col. 3, lines 15-61 as disclosing a method comprising a configuration request from a computing system, wherein the configuration request includes an identifier associated with the computing system and/or computing system user. Additionally, the Office relies on Li col. 9, line 25 through col. 10, line 5 and Li, col. 14, lines 50-65 as disclosing receiving a response to the configuration request at the computing system, the response including one or more computing system resources, wherein the one or more computing system resources are automatically installed and configured on the computing system, wherein the one or more system resources enable the communications device to communicate over an additional communications medium. However, the elements of claim 36 are neither disclosed in the cited passages nor anywhere else within Li.

Rather, Li discloses a 32 bit account ID that uniquely identifies the Internet access device for a particular customer. (Li, Col. 10, lines 33-35). The customer enters this ID along with a telephone number of a network access server onto the Internet access device which is connected to the customer's computer system or LAN. (Li, Col. 11, lines 10-13). The Internet access device communicates with the network access server which validates the ID and begins the automatic execution of a configuration process of the of the Internet device, allowing it to

communicate with the Internet. (Li, Col. 11, line 60 – Col. 12, line 18). Accordingly, under Li, the computing system and the Internet access devices are separate entities, and no requests are issued by the computer system. In addition, Li discloses that the Internet access device is configured and not the computer system. Li also does not disclose an assessment of the customer's computer system. Rather, configuration of the Internet access device is accomplished by accessing a unique configuration record from a configuration server.

Thus, in addition to Li's failings discussed above with reference to claim 32, Li also fails to disclose "receiving a response to the configuration request at the communications device including one or more computing system resources, wherein the one or more computing system resources are automatically installed and configured on the computing system" as recited in claim 36. Because Li does not teach all the elements of claim 36, the §102 anticipation rejection of claim 36 based on Li is not supported. Applicant therefore respectfully requests that the §102(e) rejection of claim 36 be removed.

Applicant therefore respectfully requests that the §102(e) rejection of claims 33-36 be removed.

§103 Rejections

Claims 27-31 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over US Patent 6,012,088 to Li in view of US Patent 6,212,585 to Chrabaszcz. Applicant respectfully traverses the rejection.

Independent claim 27 recites:

A computing system comprising:

a storage device having stored thereon plurality of executable instructions;

a network interface, communicatively coupling the computing system to a network; and

a controller, coupled to the storage device and the network interface, to execute at least a subset of the plurality of executable instructions to make an assessment of current hardware and/or software resources of the computing system, and to implement a basic input/output system (BIOS) to issue a configuration request to the network via the network interface, the configuration request based on the assessment and including an identifier associated with the computing system.

The combination of Li and Chrabaszcz fails to teach or suggest the computing system of claim 27.

For example, claim 27, includes "a controller, coupled to the storage device and the network interface, to execute at least a subset of the plurality of executable instructions to make an assessment of current hardware and/or software resources of the computing system, and to implement a basic input/output system (BIOS) to issue a configuration request to the network via the network interface, the configuration request based on the assessment and including an identifier associated with the computing system". As discussed above, Li does not disclose, teach or suggest "a controller, coupled to the storage device and the network interface, to execute at least a subset of the plurality of executable instructions to make an assessment of current hardware and/or software resources of the computing system, and to implement a basic input/output system (BIOS) to issue a configuration request to the network via the network interface, the configuration request based on the assessment and including an identifier associated with the computing system". Rather, in Li the configuration of the Internet access device does not depend upon an assessment of current hardware and/or software resources of the Internet access device, and there exists no implementation of a

basic input/output system (BIOS) to issue a configuration request to the network via the network interface. Further, Li fails to disclose or suggest the configuration request being based on the assessment and including an identifier associated with the computing system. Instead, the Internet access device in Li is configured solely using information input to a configuration record by the customer and/or the ISP. The actions needed to precipitate configuration are (1) the entering of the information by the customer and the ISP (to create the configuration record), and (2) the entering to the Internet access device of the registration ID and the local telephone number of a network access server located on the ISP's network (to enable the Internet access device to be placed in communication with the configuration record).

Chrabaszcz does not remedy Li's failings. Chrabaszcz is cited by the Office for its purported discussion of automatically configuring a device upon booting, and not for any teaching or suggestion of a controller, coupled to the storage device and the network interface, to execute at least a subset of the plurality of executable instructions to make an assessment of current hardware and/or software resources of the computing system, and to implement a basic input/output system (BIOS) to issue a configuration request to the network via the network interface, the configuration request based on the assessment and including an identifier associated with the computing system, as recited in claim 27.

Furthermore, Applicant cannot find any such teaching or suggestion in Chrabaszcz regarding a controller, coupled to the storage device and the network interface, to execute at least a subset of the plurality of executable instructions to make an assessment of current hardware and/or software resources of the computing system, and to implement a basic input/output system (BIOS) to issue a

configuration request to the network via the network interface, the configuration request based on the assessment and including an identifier associated with the computing system. Accordingly, Chrabaszcz does not remedy the deficiencies of Li noted above, and claim 27 is allowable over the combination of these two references.

A prima facie case of obviousness requires that the prior art reference (or references when combined) must teach or suggest all the claim limitations (MPEP 2142, 2143). Therefore, the §103(a) rejection of claim 27 is not supported by the cited references, and Applicant respectfully requests that the rejection be withdrawn.

Claims 28-31 depend from claim 27, and thereby incorporate each of the elements of claim 27. Accordingly, claims 28-31 are allowable at least on the basis of this dependency, in addition to the further elements recited therein which are neither shown nor suggested by the cited references, alone or in combination. Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 28-31 be removed.

Conclusion

All pending claims are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,

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